

PATENT  
Docket No. 150.00560104

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Lee et al.	)	Group Art Unit: 1765	#12 MAY 14 4/15/03
Serial No.: 10/050,639	)	Examiner: D. Deo	
Confirmation No.: 6476	)		
Filed: January 15, 2002	)		
For: <u>METHOD AND COMPOSITION FOR SELECTIVELY ETCHING AGAINST COBALT SILICIDE</u>			

RESPONSE

Assistant Commissioner for Patents  
Washington D.C. 20231

Dear Sir:

The following remarks are provided in response to the Office Action mailed January 13.

Remarks

The Office Action mailed January 13, 2003 has been received and reviewed. No claims have been amended. Therefore, claims 46 and 51-88 are pending in the present application. Reconsideration and withdrawal of the rejections are respectfully requested in view of the accompanying remarks.

**I. Whether claims 46 and 51-59 are patentable under 35 U.S.C. § 103(a) over Hayashi et al. in view of Berti et al.**

The Examiner rejected claims 46 and 51-59 under 35 U.S.C. § 103 as being unpatentable over Hayashi et al. (U.S. Patent No. 5,482,895) and further in view of Berti et al. Applicants respectfully traverse the Examiner's rejections.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to